

**AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

In the Specification

Please amend the specification as follows:

On page 6, line 27, delete “98139641” and insert--9839461--.

On page 52, line 3, delete “GSC” and insert--GSD--.

On page 52, line 4, delete “HSD” and insert--HSE--.

On page 52, line 22, delete “GFS” and insert--GSF--.

In the Claims

Please cancel claims: 2-7, 20-26, and 37-39.

Please amend the following claims:

1. (Amended)

A promoter sequence capable of directing expression of a nucleotide sequence in a plant cell, said sequence comprising:
a ubiquitin promoter sequence, wherein said sequence includes a modification so that [it does not include two overlapping heat shock elements] there are no heat shock elements.

8. (Amended)

The promoter sequence of claim 1 wherein said sequence includes a deletion of [the] two overlapping [HSE] heat shock elements at position [-204] -214 – -190 of SEQ ID NO: 1.

9. (Amended)

The promoter sequence of claim [1] 9 further comprising a [DNA binding factor or] transcription binding factor.

10. (Amended)

The promoter sequence of claim [1] 9 wherein said transcription binding factor is selected from the group consisting of PsI, EBP, HY5, BLZ-1, Gamyb, RF2a, ROMI, [G-7-1] GT-1, SPA, Dof2, and Opaque.

11. (Amended)

The promoter sequence of claim 10 wherein [said] a PsI element comprises [the sequence GACACGTAGAATGAGTCATCAC] SEQ ID NO: 5.

12. (Amended)

The promoter sequence of claim 11 wherein said PsI element is a trimer.

19. (Amended)

A method for causing expression of a structural gene or open reading frame in a plant cell, said method comprising:

introducing to a plant cell an expression construct comprising a ubiquitin promoter sequence, said sequence having been engineered so that it [does not comprise] comprises [two overlapping heat shock elements] no heat shock elements.

27. (Amended)

The [promoter sequence] method of claim 19 wherein said sequence includes a deletion of [the] two overlapping [HSE] heat shock elements at position [-204] -214 — -190 of SEQ ID NO: 1.

28. (Amended)

The [promoter sequence] method of claim [27] 19 wherein the promoter sequence further [comprising] comprises a seed specific factor.

29. (Amended)

The [promoter sequence] method of claim [19] 28 wherein said seed specific factor is a PsI element.

30. (Amended)

The [promoter sequence] method of claim 29 wherein said PsI element comprises [the sequence GACACGTAGAATGAGTCATCAC] SEQ ID NO: 5.

31. (Amended)

The [promoter sequence] method of claim 30 wherein said element is a trimer.

35. (Amended)

The [promoter] method of claim 34 wherein said expression is [endosperm] embryo preferred expression.